

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 12-00119 SI

Plaintiff,

**ORDER GRANTING IN PART AND  
DEFERRING IN PART DEFENDANT'S  
MOTION TO COMPEL**

v.

JOSEPH ORTIZ,

Defendant.

Defendant has filed a motion to compel the production of all witness statements and *Brady* and *Giglio* material by April 27, 2012. Jury selection is scheduled for May 7, and the trial of this matter is currently set for May 15, 2012.<sup>1</sup> The government states that it is willing to produce *Brady* and *Giglio* material on May 8, 2012, and witness statements only after the witness testifies on direct examination. Defendant states that he has “not received in discovery a single fact that ties Mr. Ortiz to the robbery, including witness statements or FBI 302s.” Reply at 1:24-2:1. Defendant asserts that he needs the material prior to jury selection in order to meaningfully prepare for trial, and that the government’s proposed production date of May 7 would not give the defense sufficient time to review the material to determine if a further motion to compel is appropriate or to conduct investigation if necessary.

<sup>1</sup> Defendant states the trial can be completed in four days, while the government asserts that trial will take two to three weeks. The Court has reserved the week of May 15 for the trial, but the Court is unavailable beginning the week of May 21, 2012. The Court will address trial scheduling at the April 26, 2012 status conference.

1 The Court has discretion to determine the timing and scope of the disclosure of discovery. The  
2 Court finds that the production of *Brady* and *Giglio* material by April 27, 2012 is necessary to enable  
3 the defense to effectively prepare for trial, particularly in light of the parties' divergent views of how  
4 much time is required for the trial. Accordingly, the Court GRANTS defendant's motion and orders the  
5 government to produce *Brady* and *Giglio* material by April 27, 2012. The Court DEFERS ruling on  
6 defendant's request for witness statements at this time. *See* 18 U.S.C. § 3500(a)-(b).

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8 **IT IS SO ORDERED.**

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10 Dated: April 24, 2012



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SUSAN ILLSTON  
UNITED STATES DISTRICT JUDGE